Call to Order:
The meeting was called to order at 2:00pm by Board Chair, Buhler. Present were Commissioners Dressler, McComas, Kolff, and Ready. Caitlin Harrison, Chief Human Resources Officer, Brandie Manuel, Chief Patient Care officer, Jon French, Chief Legal Officer and Alyssa Rodrigues, Administrative Assistant were also in attendance. This meeting was officially audio recorded by Jefferson Healthcare.

Education:
- Open Public Meetings and Publics Records Now and Into the Future, Charles (Skip) H. Houser III, J.D., M.P.A., Attorney at Law, Pope, Houser, & Barnes PLLC


Discussion ensued.

Break:
Commissioners recessed for break at 3:24pm.
Commissioners reconvened from break at 3:31pm.

Patient Story:
Brandie Manuel, Chief Patient Care Officer, deferred the patient story to Commissioner Kolff who read aloud a letter he was sent from a mother of a child who is part of the Ratfish mountain bike team. Mother wrote a letter in regards to the great care that her son receive from Patricia Hoyecki, ARNP, and team at Jefferson Healthcare Wound Care Clinic, after her son had been in a mountain biking accident. The letter explained that Patricia Hoyecki, ARNP, and team were very involved, easily accessible, and the explanation of care they received was great. Ultimately, the mother was very pleased with the clinic and her and her son’s experience.

Approve Agenda:
Commission Dressler made a motion to approve the agenda. Commissioner McComas seconded.
Action: Motion passed unanimously.
Minutes:
- February 28 Regular Session

Commissioner Dressler made a motion to approve the February 28 Regular Session. Commissioner Kolff seconded.
Action: Motion passed unanimously.

Required Approvals: Action Requested
- February Warrants and Adjustments
- Resolution 2018-04 Cancel Warrants
- Medical Staff Credentials/Appointments/Reappointments
- Medical Staff Policy

Commissioner Dressler made a motion to approve Medical Staff Credentials/Appointments/Reappointments, Medical Staff Policy, February Warrants and Adjustments, and Resolution 2018-04 Cancel Warrants. Commissioner Dressler seconded.
Action: Motion passed unanimously.

Public Comment:
Public comment was made.

Financial Report:
Hilary Whittington, gave the February financial report.

Discussion ensued.

Quality Report:
Brandie Manuel, Chief Patient Care Officer presented the quality report.

Discussion ensued.

Administrative Report
Mike Glenn, CEO gave his administrative report.

Discussion ensued.

Chief Medical Officer Report:
Dr. Joe Mattern, Chief Medical Officer gave an update on the ACO, provider comings and goings, telemedicine and tele pulmonology, provider engagement event, behavioral health integration, medically assisted treatment, and high dose flu shot.

Discussion ensued.

Board Reports:
Commissioner Kolff inquired about carpooling to the Port Ludlow event.
Commissioner Buhler distributed the February 15 Board of Health minutes.

**Meeting Evaluation**
Commissioners evaluated the meeting.

**Conclude:**
Commissioner Dressler made a motion to conclude the meeting. Commissioner McComas seconded the motion. **Action:** Motion passed unanimously.

Meeting concluded at 5:10pm.

Approved by the Commission:

Chair of Commission: Jill Buhler ________________________________

Secretary of Commission: Marie Dressler __________________________
Open Public Meetings and Public Records Now and Into the Future
March 28, 2018
Port Townsend, Washington
Charles (Skip) Houser III, J.D., M.P.A.
Attorney at Law

Basic Principles
• Open government is essential to democracy
• Transparency in government actions
• Provide notice and opportunity to participate
Legislative Declaration (Intent) RCW 42.30.020

• “The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices and all other public agencies of the state and subdivisions thereof exist to aid in the conduct of the people’s business.

• It is the intent of this chapter that their actions be taken openly and their deliberations be conducted openly.”

Legislative Declaration (Intent)

• “The people of the state do not yield their sovereignty to the agencies which serve them.

• The people in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

• The people insist on remaining informed so that they may retain control over the instruments they have created.”
The Public Records Act (PRA) requires that all public records maintained by state and local agencies be made available to all members of the public, with very narrow statutory exemptions.

RCW 42.56 provides the statutory framework for disclosure of public records.

Additionally, the Washington State Attorney General’s Model Rules on Public Disclosure (Washington Administrative Code (WAC) 44-14) provide practical, non-binding, advisory guidance on many issues that may not be clear in the Public Records Act (PRA) itself.
What Records are Public?

A public record is defined in RCW 42.56.010(3) as any writing that is prepared, owned, used, or retained by any state or local government agency, and which contains information that relates to the conduct of government, or the performance of any governmental or proprietary function.

The Future of OPMA and PRA

• Executive Sessions
• Facebook and Social Media
• Text Messages
• Application of Public Records Act and Implications for the Legislature
Executive Sessions

- *Columbia Riverkeeper v. Port of Vancouver USA*
- Executive sessions narrowly construed by Washington State Supreme Court
- Open Public Meetings Act Violations

Text Messages

- *Nissen v. Pierce County*
- Disclosure of Records within “Scope of Employment”
The Legislature and Public Records Act

- Governor Inslee vetoes Senate Bill 6617
- Pending Lawsuit
- Task force forthcoming

Facebook & Social Media

- West v. City of Puyallup
- West v. Vermillion
- Nissen v. Pierce County
- Facebook post personal versus public officials scope of “official capacity”
Caution

“Don’t believe everything you read on the Internet just because there’s a picture with a quote next to it.”

—Abraham Lincoln

Questions and Answers

Going Forward
Open Public Meetings Act
RCW 42.30

Washington’s Open Public Meetings Act (OPMA)

- Passed in 1971
- Requires meetings to be open to the public, gavel to gavel
- RCW 42.30
Purpose

- “The people do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so they may retain control over the instruments they have created.”

~ RCW 42.30.010

Purpose (Cont.)

- Public commissions, boards, councils, etc. listed in OPMA are agencies of this state that exist to aid in the conduct of the people’s business.
- Their actions are to be taken openly and deliberations conducted openly.
  ~ RCW 42.30.010

- Act is to be “liberally construed.”
  ~ RCW 42.30.910

- The purpose of the OPMA is to allow the public to view the “decisionmaking process.”
  ~ Washington State Supreme Court
Open Government Laws Like the OPMA are Often Called “Transparency Laws” or “Sunshine Laws”

This is because they "shine light" on government. U.S. Supreme Court Justice Louis Brandeis once famously said, "Sunlight is the best disinfectant."

Transparency builds public confidence in government.

OPMA Applies To:

Multi-member public state and local agencies, such as boards and commissions, as follows:

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

~ RCW 42.30.020

These are the “public agencies” subject to the OPMA.
OPMA Does Not Apply To:

- These entities:
  - Courts
  - Legislature
  - Agencies not defined as “public agency” in OPMA, such as agencies governed by a single individual
  - Private organizations

- These activities:
  - Licensing/permitting for businesses, occupations or professions or their disciplinary proceedings (or proceedings to receive a license for a sports activity, or to operate a mechanical device or motor vehicle)
  - Quasi-judicial matters
  - Matters governed by the Washington Administrative Procedure Act, RCW 34.05
  - Collective bargaining

~ RCW 42.30.020(1), RCW 42.30.140

Governing Body

- All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

~ RCW 42.30.030
What is a Governing Body?

- The **multimember board or other policy or rule-making body**
- OR
- Any **committee** of such public agency when:
  - the committee acts on behalf of the governing body,
  - conducts hearings, or
  - takes testimony or public comment

  ~ RCW 42.30.020

What is a Meeting?

- **"Meeting"** means meetings at which the public agency takes **"action"** ~ RCW 42.30.020
  - **"Action"** means the transaction of the official business of the **public agency** and includes but is not limited to:
    - Public testimony
    - All deliberations
    - Discussions
    - Considerations
    - Reviews
    - Evaluations
    - Final actions

  The requirements of the OPMA are triggered whether or not "final" action is taken. See upcoming slide on "final action."

- A “meeting” of a governing body occurs when a **majority of its members** (quorum) gathers with the collective intent of transacting the governing body’s business.

  ~ Citizens Alliance for Property Rights Legal Fund v. San Juan County
“Meeting” (Cont.)

- Physical presence not required – a meeting can occur by phone or email.
- An exchange of email could constitute a meeting if, for example, a quorum of the members participate in the email exchange & discuss agency business. Simply receiving information without comment is not a meeting.
  ~ Wood v. Battle Ground School District; Citizens Alliance for Property Rights Legal Fund v. San Juan County
- Does not need to be titled “meeting” – OPMA also applies to “retreats,” “workshops,” “study sessions,” etc.
- No meeting occurs if the governing body lacks a quorum.

Final Action

- “Final action” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof”
- Must be taken in public, even if deliberations were in closed session.
- Secret ballots are not allowed.

~ RCW 42.30.060, RCW 42.30.020
Travel and Gathering

- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action, triggering the requirements of the OPMA.

~ RCW 42.30.070

“Regular” Meetings

- “Regular meetings” are recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.
- A state public agency must:
  - Yearly, file with Code Reviser a schedule of regular meetings, including time and place
  - Publish changes to regular meeting schedule in state register at least 20 days prior to rescheduled date

~ RCW 42.30.070; RCW 42.30.075; RCW 42.30.077
“Regular” Meetings (Cont.)

- Agenda notice requirements apply to regular meetings.
- RCW 42.30.077 requires governing bodies to make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting.

- This law does not:
  - Apply to agencies that do not have websites.
  - Apply to agencies that employ fewer than 10 full-time employees.
  - Restrict agencies from later modifying an agenda.
  - Invalidate otherwise legal actions taken at a regular meeting where agenda was not posted 24 hours in advance.
  - Satisfy public notice requirements established under other laws.
  - Provide a basis to award attorneys fees or seek court order under OPMA if agenda is not posted in accordance with this law.

“Special” Meetings

- A “special meeting” is a meeting that is not a regular meeting (not a regularly scheduled meeting).
- Called by presiding officer or majority of the members.
- Notice - timing: 24 hours before the special meeting, written notice must be:
  - Given to each member of the governing body (unless waived)
  - Given to each local newspaper of general circulation, radio, and TV station which has a notice request on file
  - Posted on the agency’s website [with certain exceptions in RCW 42.30.080(2)(b), for example, if the agency does not have a website]
  - Prominently displayed at the main entrance of the agency’s principal location and the meeting site (if not that same location)

~ RCW 42.30.080
“Special” Meetings (Cont.)

- **Notice - contents:** The special meeting notice must specify:
  - Time
  - Place
  - Business to be transacted (agenda)
    - Final disposition shall not be taken on any other matter at such meeting

  ~ *RCW 42.30.080*

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Emergency Special Meetings

- **Notice is not required when special meeting called to deal with an emergency**
  - Emergency involves injury or damage to persons or property or the likelihood of such injury or damage
  - Where time requirements of notice make notice impractical and increase likelihood of such injury or damage

  ~ *RCW 42.30.080(4)*
Public Attendance

• A public agency can’t place conditions on public to attend meeting subject to OPMA:

  • For proceedings governed by OPMA, cannot require people to register their names or other information, complete a questionnaire, or otherwise fulfill any condition precedent to attendance

  ~ RCW 42.30.040

• Reasonable rules of conduct can be set

• Cameras and tape recorders are permitted unless disruptive

  ~ AGO 1998 No. 15

• No “public comment” period required by OPMA

Interruptions and Disruptions

• The OPMA provides a procedure for dealing with situations where a meeting is being interrupted so the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.

• Meeting room can be cleared and meeting can continue, or meeting can be moved to another location, but final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.

~ RCW 42.30.050
Executive Session

- Part of a regular or special meeting that is closed to the public
- Limited to specific purposes set out in the OPMA
- Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins; time may be extended by further announcement

~ RCW 42.30.110

Executive Sessions
Specified purposes set out in OPMA. Includes, for example:

- National security
- Real estate
  - Site selection or acquisition of real estate
  - Lease or purchase
  - Public knowledge would likely increase price
- Sale or lease
  - Public knowledge would likely decrease price
  - Final action selling or leasing public property must be take at open meeting
- Publicly bid contracts
  - Review negotiations on performance
  - Public knowledge would likely increase costs
- Evaluate qualifications of applicant for public employment
- Meet with legal counsel regarding enforcement actions, litigation or potential litigation
- Other purposes listed in RCW 42.30.110

~ RCW 42.30.110
Executive Session to Discuss Agency Enforcement Actions, Litigation, or Potential Litigation

• This executive session is not permitted just because legal counsel is present
• This executive session must address:
  • Agency enforcement action
  • Agency litigation or
  • Potential litigation

~ RCW 42.30.110

Executive Session to Discuss Agency Enforcement Actions, Litigation, or Potential Litigation: Three Requirements

• Legal counsel representing the agency is present
• Purpose is to discuss agency enforcement action, litigation or potential litigation to which the agency, governing body, or a member acting in official capacity is, or is likely to become, a party
• Public knowledge regarding discussion likely to result in an adverse legal or financial consequence to the agency

~ RCW 42.30.110
Penalties for Violating the OPMA

- A court can impose a $500 civil penalty against each member (personal liability) who knowingly attends a meeting in violation of OPMA; and $1000 for a subsequent knowing violation.
- Court will award costs and attorney fees to a successful party seeking the remedy.
- Action taken at meeting can be declared null and void.

~ RCW 42.30.120; RCW 42.30.130; RCW 42.30.060

Minutes – RCW 42.30.***

- Minutes of public meetings must be promptly recorded and open to public inspection.
- Minutes of an executive session are not required.
- No format specified in law.

* Formerly at RCW 42.32.030; To be recodified in 2017 in a new section in RCW 42.30 (OPMA) per Chap. 25, Laws of 2017, 3rd Sp. Sess.
Risk Management Tips

- Establish a culture of compliance with the OPMA.
- Receive training on the OPMA.
- Review available resources; institute best practices.
- Keep updated on current developments in OPMA; correctly apply law.
  - Remember: the OPMA can change through amendments, or develop through case law.
  - Remember: other laws can govern an agency’s meeting procedures.
- Consult with agency’s legal counsel.

OPMA Training

- The “Open Government Trainings Act” requires OPMA training for every member of a governing body within 90 days of taking their oath or assuming their duties. RCW 42.30.205.
- Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.

- Training resources, videos, and more information about the Act (a “Q & A”) are available on the Attorney General’s Office Open Government Training Web Page: http://www.atg.wa.gov/OpenGovernmentTraining.aspx
OPMA Assistance

- The Washington State Attorney General's Office may provide information, technical assistance, and training on the OPMA. Contact Assistant Attorney General for Open Government.
- The Attorney General's Office may issue formal opinions about the OPMA for qualified requesters.
- The Attorney General's Office has helpful materials about the OPMA and on other open government topics and resources, on its website at [http://www.atg.wa.gov/Open-Government](http://www.atg.wa.gov/Open-Government).
  - One example is the *Open Government Resource Manual* (see next slide).

~ RCW 42.30.210

AGO Open Government Resource Manual

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**Updated October 31, 2016**

*AOG Open Government Resource Manual* – Available on AGO Website*

*http://www.atg.wa.gov/open-government-resource-manual*

**Does not yet include statutory changes resulting from 2017 sessions.**
Municipal Research & Services Center – Another Resource

Thank You
Open Government Laws Like the Public Records Act are Often Called “Transparency Laws” or “Sunshine Laws”

This is because they “shine light” on government. U.S. Supreme Court Justice Louis Brandeis once famously said, “Sunlight is the best disinfectant.”
Purpose

• “The people do not yield their sovereignty to the agencies which serve them.”
• “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
• “The people insist on remaining informed so they may retain control over the instruments they have created.”

~ RCW 42.56.030 (PRA)

Washington’s Open Public Records Act (PRA)

• Passed in 1972 – Initiative 276
• RCW 42.56 (formerly RCW 42.17)

Most recent amendments – ESHB 1594
(Chap. 303, 2017 Laws);
EHB 1595 (Chap. 304, 2017 Laws)
Touchstone: • Public records of government agencies are presumed [open](#). • Records or information in records can be withheld only by law (e.g. exemption in law). Exemptions must be “narrowly construed.” ~ RCW 42.56.030

PRA Applies to Records of: • State government agencies* • Local government agencies* • Limited extent to Legislature ~ RCW 42.56.010 * And to agencies that are the functional equivalent of public agencies.

PRA Does Not Apply to: • Court records (court files) • Records of certain volunteers (next slide) • Private organizations or persons* *Unless, for example, the records are used or retained by a government agency.
Volunteers

- ESHB 1594 (2017): records of certain volunteers are exempt from the definition of “public record.” They are:
  - Records not otherwise required to be retained
  - and are held by volunteers who
    - (a) do not serve in an administrative capacity,
    - (b) have not been appointed by the agency to an agency board, commission or internship, and
    - (c) do not have a supervisory role or delegated agency authority.

Public Record

“Public record” means:

- any writing
- containing information
- relating to
- the conduct of government or
- the performance of any governmental or proprietary function
- prepared, owned, used, or retained
- by any state or local agency
- regardless of physical form or characteristics.”

~ RCW 42.56.030
Writing

- “Writing” includes “handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.” ~ RCW 42.56.030

- So, “public record” is broadly defined.

Note: Public Records Include...

...records of agency business when they are created or retained by agency employees or officials on home computers or devices, or in non-agency email accounts or files.
Text Messages ("Scope of Employment")
- Nissen v. Pierce County (Aug. 2015)

• Text messages sent and received by a public employee in the employee’s official capacity are public records of the employer, regardless of the public or private nature of the device used to create them; thus, even if the employee uses a private cell phone.

• A record that an agency employee prepares, owns, uses, or retains within the scope of employment is a record "prepared, owned, used or retained by a state or local agency" under the PRA.
  • An employee’s communication is “within the scope of employment” when the job requires it, the employer directs it, or it furthers the employer’s interests.
  • This inquiry is always case- and record-specific.

Call and Text Logs ("Use")
- Nissen v. Pierce County

• For a record to be “used” by an agency it must bear a nexus with the agency’s decision-making process.

• A record held by a third party, without more, is not a “public record”, unless the agency “uses” it. In this case, that applied to call and text logs at the phone service provider which were not used by the agency (“the county did nothing with them”).
Other Locations of Public Records

- In/On Personal Computers, Personal Email Accounts, etc.

& Post- Nissen: West v. Vermillion, Puyallup (Nov. 8, 2016)

- PRA request for public records in a **local elected official's personal residence, on a personal computer, and in a personal email account.**
- **Court of Appeals:** Public records must be disclosed. The constitutions do not provide an individual a privacy interest in those public records. State Supreme Court denied review.
- See upcoming slide on “privacy.”

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General PRA Procedures

Under PRA, agencies must:

- Appoint a **public records officer.**
- Publish **procedures** describing certain agency organization, operations, rules of procedure, and other items listed in PRA that:
  - Provide full public access to public records,
  - Protect public records from damage/disorganization
  - Prevent excessive interference with other agency functions.
  - Provide **fullest assistance** to requesters
  - Provide most timely possible action on requests.
- Publish **fee schedule.** See upcoming slide.
- Maintain a **list of laws** the agency believes exempts or prohibits disclosure.
- Provide certain **indexes** of records.
- Make non-exempt records **available for inspection and copying during customary business hours** for a minimum of 30 hours per week, excluding holidays.
  - Post customary business hours on the agency's website and make hours known by other public means.

~ RCW 42.56.040, RCW 42.56.070 - 090, RCW 42.56.580, RCW 42.56.580.
New PRA Procedures

• **Format for requests.** No official format is required. Agencies can recommend requesters use their form or web page. Must accept in person requests made during normal office hours.

• **Log.** Agency must keep a log of PRA requests (identity of requester if provided, date of receipt, text of request, description of records produced, description of records redacted/withheld and reasons, and date of final disposition.) RCW 40.14 (records retention).

• **Ordinances.** Local agencies should consult AGO Model Rules in developing PRA ordinances.

New PRA Procedures (cont.)

• **Additional training.** Records officers must also receive training on electronic records.

• **Data collection & reporting.** Agencies having PRA staff and legal costs of more than $100,000/year must report 17 data points about their agencies' PRA requests to the Joint Legislative Audit and Review Committee (JLARC). RCW 40.14.

• **Copy fees.** New procedures for fees/authorized copy fees for electronic records.
Fees

EHB 1595 (effective July 23, 2017):

- Copy fee schedule:
  - Agencies can charge **actual costs** (following certain procedures & notice/public hearing) or
  - **Default statutory costs** (following a declaration of undue burden in rule; list of costs in statute).
  - **Alternative flat fee up to $2** for entire request (see details in statute)

- EHB 1595’s default schedule includes paper copies, scanned copies, electronic records costs.
- No fee for records routinely posted on agency website.
- Must provide an **estimate of costs to requester** upon request.
- Act provides for other fee arrangements in defined circumstances.
- “Customized access charge” under defined circumstances.
- No fees for inspection.
- Court action can be brought to challenge agency’s estimate of fees.

~ RCW 42.56.120, RCW 42.56.130; RCW 42.56.550

Requests for Public Records

- Persons can request **identifiable public records** from public agencies.
  - Requester can use agency public records request form.
    (Form not required effective July 23, 2017)
  - If agency request form not used, requester must provide “fair notice” that he/she is seeking public records.
  - A request for “information” is not a request for “records” under the PRA.
  - At minimum, requester must identify documents with sufficient clarity to allow the agency to locate them.
  - Requesters can ask to inspect records, or request copies of records. Requests can be made via mail, e-mail, in person.
  - Agencies can adopt procedures explaining where requests must be submitted and other procedures.

~ RCW 42.56.520; RCW 42.56.080, RCW 42.56.040, RCW 42.56.100;
Hangartner v. City of Seattle; Bonamy v. City of Seattle; Hobbs v. State.
Requests (Cont.)

- “Identifiable” records (cont.)
- EHB 1595 (effective July 23, 2017):
  - “A public records request must be for identifiable records.”
  - "A request for all or substantially all records, prepared, owned, use or retained by an agency is not a valid request for identifiable records under this chapter,
- “Provided that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of an agency’s records.”

Requests (Cont.)

- Requesters do not:
  - Generally need to identify purpose of request, unless required by law (e.g., restriction on providing lists of individuals for a commercial purpose).
  - Need to limit the number of requests they make.
  - Need to exhaust an agency’s internal appeal procedures prior to seeking judicial review when a record is denied and two business days have passed. (Agencies are to have review mechanisms but review deemed completed after 2 business days following the denial of inspection.)

~ RCW 42.56.070, RCW 42.56.520, Zink v. City of Mesa
Requests (Cont.)

• EHB 1595 (eff. July 23, 2017): An agency may deny a “bot” request, under the criteria in the bill.
  • A “bot” request is one of multiple requests from a requestor to the agency within a 24 hour period, if the agency establishes that responding to the multiple requests would cause excessive interference with other essential function of the agency.
  • “Bot” request means a request for public records that an agency reasonably believes was automatically generated by a computer program or script.

Requests (Cont.)

• Requesters must:
  • Clarify a request when an agency asks for clarification.
  • Claim or review records when the records or an installment of records is ready.
  • Comply with agency procedures including those that protect records from damage/disorganization (such as when viewing records).
  • Provide a deposit when an agency requires a deposit.
  • Pay for copies per fee schedule, including copies for an installment.

• Requesters should also:
  • Promptly communicate with agency,
  • including to voice any concerns regarding agency action or inaction.

~ RCW 42.56.070(7) – (9), RCW 42.56.080, RCW 42.56.100, RCW 42.56.120, RCW 42.56.520, Model Rules, Zink v. City of Mesa, Hobbs v. State Auditor
Agency Responses to Requests

- The agency has **five business days** to respond to a public records request.

- Agency response can:
  1. Acknowledge receipt of the request and provide a reasonable estimate for a further response; or
  2. Fulfill the request; or
  3. Provide an internet address and link to the records on the agency’s website (which fulfills part or all of the request); or
  4. Seek clarification (still need to give estimate of time)*; or,
  5. Deny the request with an accompanying written statement of the specific reasons.

  ~ RCW 42.56.520
  *ESHB 1594 (eff. July 23, 2017) – if request unclear, give estimate to greatest extent possible

Seeking Clarification

- An agency can seek clarification of a request if it is **not reasonably clear**, or does not request “identifiable records.”

- Remember: agency’s rules are to give “fullest assistance.”

- Agency should explain why it needs clarification, in order to provide fullest assistance to requester and to search for potentially responsive records.*

- If requester does not respond to request for clarification, the agency may close the request.*

  ~ RCW 42.56.520
  *ESHB 1594 (eff. July 23, 2017)
  New! Agency must respond to parts of request that are clear.
Estimate of Time for Further Response

- An agency can provide an estimate of time for further response. Further response includes estimate to produce first installment.
- Estimate is to be reasonable.
- Factors may include, for example, time needed to:
  - Get clarification if necessary.
  - Search for records. More time may be needed if request is large or complex.
  - Assemble and review records.
  - Provide notice to affected third persons/agencies.
  - Prepare an exemption log if necessary.
  - Perform other essential agency functions.
- An agency can extend the time if needed.

~ RCW 42.56.520, RCW 42.56.520, RCW 42.56.080, RCW 42.56.550; Andrews v. Washington State Patrol; Hobbs v. State

Installments

- Agencies can provide records in installments, particularly for larger requests.
- Agencies can request a deposit up front for copies (not to exceed 10 percent).
- Agencies can provide an installment by providing links to records on its website.
  - Note: Agencies are encouraged to post commonly-requested records on their websites. This:
    - Makes records more accessible.
    - Enables quicker agency responses.
    - Enables requesters to choose to view or copy only those records they want.

~ RCW 42.56.080, RCW 42.56.120
Searches

• An agency must conduct an **adequate search** for responsive records.
• The search should be reasonably calculated to uncover responsive records.
• The search should follow obvious leads to possible locations where records are likely to be found.
• If responsive public records are on or in employees’ personal devices, personal accounts, or personal files, those must be searched, too.
• The focal point of the judicial inquiry is the agency’s search process, not the outcome of the search.
• The agency bears the burden of proof to show the adequacy of the search.

~ RCW 42.56.520; Neighborhood Alliance of Spokane v. Spokane County; Hobbs v. State; Block v. City of Gold Bar; Nissen v. Pierce County.

“Mechanics” of Searching/Producing Public Records Controlled by Employee

• The public **employee** must obtain, segregate and **produce** to the employer those public records that are responsive to a PRA request from the employee’s **personal accounts, files, and devices**.
• Employee may be required to submit **affidavit** regarding his/her search.

~ Nissen v. Pierce County
Exemptions

• Records are presumed open.

• If a record, or part of a record, is withheld from the public, the agency must cite to an “exemption” in law and give a brief explanation.

• Exemptions are narrowly construed.

• The general rule is the agency withholds only the exempt information, and releases the rest.

• Exemptions must be authorized in law --- in PRA or other laws.

~ RCW 42.56.050, RCW 42.56.210 -.510, RCW 42.56.550

Exemptions (Cont.)

• When withholding part (redacting) or all of a record, agency must describe record by date, type, authors/recipients, and total number of pages.
• Agency must list exemption and give brief explanation.
• This information can be provided to the requester in an “exemption log” or in other formats, so long as the required information is provided.
• Common exemptions are certain information in student or employment records, attorney-client privileged information, pending investigative records in certain investigations, and protected health care information.
• The agency bears the burden of proof to justify the exemption.

~ RCW 42.56.050, RCW 42.56.210 -.510, RCW 42.56.550
Privacy

- There is no general “privacy” exemption in the PRA.
- If privacy is an express element of another exemption, privacy is invaded only if disclosure about the person would be:
  1. “Highly offensive to the reasonable person” and
  2. “Not of legitimate concern to the public.”
~ RCW 42.56.050

This means that if information does not satisfy both these factors, it cannot be withheld as “private” information under other statutes.

Electronic Records Production & Disclosure – The Basics for Agencies

- Remember definition of “public record” – includes electronic records: emails, texts, databases, social media records, electronic versions of printed documents, Excel spreadsheets, PowerPoint presentations, website records, videos, audio recordings, etc. Includes public records on/in personal devices/accounts.

- Note other legislative statements:
  - RCW 43.105.351: … It is the intent of the legislature to encourage state and local governments to develop, store, and manage their public records and information in electronic formats to meet their missions and objectives. Further, it is the intent of the legislature for state and local governments to set priorities for making public records widely available electronically to the public.

  - Chap. 69, Laws of 2010: The internet provides for instant access to public records at a significantly reduced cost to the agency and the public. Agencies are encouraged to make commonly requested records available on agency web sites. When an agency has made records available on its web site, members of the public with computer access should be encouraged to preserve taxpayer resources by accessing those records online.
Electronic Records Production & Disclosure – The Basics (Cont.)

Remember there can be changes/developments in law (statutes, case law) including as they impact electronic public records. Examples:

- **ESHB 1594** (Chap. 303, Laws of 2017): Public records officers’ required training on electronic records (retention, production & disclosure, updating & improving technology information services).
- **EHB 1595** (Chap. 304, Laws of 2017):
  - Fees for copies of electronic records.
  - Bot requests.
  - Translating a records into an electronic format (including scanning a paper record) is not creating a new record.
  - Local governments: consultation programs, competitive grant program.
- **O’Neill v. City of Shoreline; Nissen v. Pierce County; West v. Vermillion**
  - Producing public records on home computers, personal devices, personal accounts. See Nissen for reference to agency policies.

Electronic Records Production & Disclosure – Resources

- **Attorney General’s Office.** [www.atg.wa.gov](http://www.atg.wa.gov). Examples:
  - Open Government Training Web Page (upcoming slides)
  - PRA Model Rules, WAC 44-14 (to be updated)
  - Consultation program (local governments only) (To be developed)
  - Other materials.
- **Municipal Research & Services Center: [www.mrsc.org](http://www.mrsc.org).** Examples:
  - “New PRA Legislation: To Boldly Go Where the PRA Hasn’t Gone Before”
  - “Use of Electronic Devices During Council/Commission Meetings”
  - “Establishing Effective Social Media Policies for Your Agency”
  - “Text Messaging Policies”
  - “Public Records: Tackling The Tough Questions (Including Use of Smart Phones and Other Thorny Issues)”
  - Other materials.
- **Washington Secretary of State – State Archives.** [www.sos.wa.gov/archives](http://www.sos.wa.gov/archives). Examples:
  - In-person trainings on electronic records management – retention.
  - Advice sheets & other publications:
    - “Blogs, Wikis, Facebook, Twitter & Managing Public Records”
    - “Capture and Retention of Text Messages”
    - “Digital Audio/Visual – Recommendations and Best Practices”
    - Other materials.
Electronic Records Production & Disclosure – Redaction Mechanics

- Electronic records redaction:
  - Various software programs permit standard redactions on many electronic records (Adobe Acrobat X Pro, Informative Graphics Redact-it, RapidRedact, and similar technologies).
  - Not all agencies have such software, or software than can electronically redact all electronic records.
    - For example, there may be “non-standard” redactions in some types of electronic records (videos, audios, photos, etc.) that require particular software.
    - In some circumstances, due to lack of software or other technical issues, it may be necessary to print out a copy of the electronic record and apply the redactions to the paper record.
  - An agency may need to work with its IT staff and legal counsel on such issues.

Electronic Records Production & Disclosure – Production Mechanics

- Electronic records can be produced/delivered electronically in many ways. Delivery practices may vary among agencies, depending upon agency resources, software, or other issues (e.g. limits on size of files that can be sent/received by email).
- Some examples:
  - Posting them on agency’s web site and provide requester links to specific records.
  - Delivering copies on a CD, DVD, thumb drive/flash drive.
  - Delivering by email.
  - Delivering through an agency portal or cloud-based delivery (File Transfer Protocol - FTP).
  - Arranging for inspection at an agency’s office, on an agency computer.
Electronic Records Production & Disclosure
– Updating & Improving Technology Information Services

- Agencies can consider making their websites - **current technology** - more robust. Examples:
  - Posting more *commonly requested records*.
  - Posting information about how to search *for online records*.
  - Posting more information about how to *request records* (agency’s PRA procedures, fee schedule, request form, contact information for Public Records Officer, etc.).

- Agencies can consider **new technology** purchases to assist them in retaining/producing records.
  - **Examples**: Portals; electronic redaction tools; texting/website capture and retention software; other software.
  - **Master state contracts**: Several vendors awarded statewide master contracts for retention - “Enterprise Content Management Systems.” State, & local agencies can use. More information on State Archives website and Department of Enterprise Services website.
  - **ESHB 1594**: Local government grants (State Archives) *(to be developed)*.

Enforcement & Penalties

- PRA enforced by **courts** for claims listed in PRA.
- A court can impose **civil penalties**. No proof of “damages” required.
- A court is to consider **factors** in requiring an agency to pay a penalty.
- Plus, a court will award the prevailing requester’s **attorneys fees and costs**.
- Special penalty provisions and court procedures apply to lawsuits involving inmate requests.

~ RCW 42.56.550, RCW 42.56.565; *Yousoufian v. Sims*
Penalty Factors

A court must consider these nonexclusive factors in deciding whether an agency should pay a penalty:

- **Mitigating factors (factors that can reduce a penalty):**
  - A lack of clarity in the PRA request.
  - The agency's prompt response or legitimate follow-up inquiry for clarification.
  - The agency's good faith, honest, timely, & strict compliance with all PRA procedural requirements & exceptions.
  - Proper training & supervision of the agency's personnel.
  - The reasonableness of any explanation for noncompliance by the agency.
  - The helpfulness of the agency to the requester.
  - The existence of agency systems to track and retrieve public records.

  ~* Yousoufian v. Sims

- **Aggravating factors (factors that can increase a penalty):**
  - A delayed response by the agency, especially in circumstances making time of the essence.
  - Lack of strict compliance by the agency with all the PRA procedural requirements and exceptions.
  - Lack of proper training & supervision of the agency's personnel.
  - Unreasonableness of any explanation for noncompliance by the agency.
  - Negligent, reckless, wanton, bad faith, or intentional noncompliance with the PRA by the agency.
  - Agency dishonesty.
  - The public importance of the issue to which the request is related, where the importance was foreseeable to the agency.
  - Any actual personal economic loss to the requestor resulting from the agency's misconduct, where the loss was foreseeable to the agency.
  - A penalty amount necessary to deter future misconduct by the agency considering the size of the agency and the facts of the case.
  - The inadequacy of an agency's search for records.

  ~* Yousoufian v. Sims; Neighborhood Alliance v. Spokane County
Penalties Outside of PRA

Penalties in Other Laws:

There can be criminal liability for willful destruction or alteration of a public record.

~ RCW 40.16.010

For state employees, penalties can be assessed under the State Ethics Law if an employee intentionally conceals a record that must be disclosed under the PRA, unless decision to withhold was in good faith.

~ RCW 42.52.050

PRA Training

- "Open Government Trainings Act": RCW 42.56.150, RCW 42.56.152, RCW 42.30.205.*
- Public records officers; statewide and local government officials. They can take training sooner than July 1. Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.

- Training resources, videos, and more information about the Act (a “Q & A”) are available on the Attorney General’s Office Open Government Training Web Page:
AGO PRA Assistance

- The Washington State Attorney General’s Office has provided an explanatory pamphlet and other materials about the PRA on its website at www.atg.wa.gov.
- The AGO has also published PRA Model Rules. *(Will be updated).*
- The Attorney General has also appointed an Assistant Attorney General for Open Government. The AGO can provide technical assistance and training. ESHB 1594 (eff. July 23, 2017): The AGO may provide records consultation services for local governments. *(Program to be developed).*
- The AGO Government Training Web page with training resources, videos, and other materials is at: http://www.atg.wa.gov/open-government-training
- The AGO may also review a state agency denial of a record when the agency concludes the record is exempt.

~ RCW 42.56.155, RCW 42.56.570, RCW 42.56.530, RCW 42.30.210

AGO Open Government Resource Manual – Available on AGO Website*

* Updated October 31, 2016**

**Does not yet include statutory changes resulting from ESHB 1594 or EHB 1595 which will be effective July 23, 2017.

Risk Management Tips

• Establish a culture of compliance with the PRA, beginning with agency leadership and support.
• Train appropriate staff and officials about the PRA’s requirements.
• Review agency’s PRA procedures.
• Review available resources; institute best practices.
• Review penalty factors.
• Keep updated on current developments in PRA through legislative action or court decisions; correctly apply law.
• Consult with agency’s legal counsel.

Thank you!
Finance Report
February 2018

Date March 28, 2018
Name Hilary Whittington
Title Chief Administrative Officer / Chief Financial Officer

February 2018
Education – Days Cash On Hand

Days cash on hand is the number of days that an organization can continue to pay its operating expenses, given the amount of cash on hand.

\[
\text{Days Cash On Hand} = \frac{\text{Operating Cash + Investments}}{\text{Average daily expenses}}
\]
February 2018
Service Line Highlight – Express Clinic

- Open 10 hours daily
- Low cost, non-emergency medical care
- First come, first served
- New patients are seen about every 20 minutes
- Patient information is immediately available to their PCP
- Simple blood tests and x-rays are available

Dates | Days | Visits | Avg Visits/Day | Revenue
--- | --- | --- | --- | ---
2/5-28 | 24 | 481 | 20.04 | $81,659.00
3/1-22 | 22 | 508 | 23.09 | $97,797.46

February 2018
Operating Statistics

<table>
<thead>
<tr>
<th>STATISTIC DESCRIPTION</th>
<th>FEBRUARY ACTUAL</th>
<th>FEBRUARY BUDGET</th>
<th>% VARIANCE</th>
<th>YTD ACTUAL</th>
<th>YTD BUDGET</th>
<th>% VARIANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTEs – TOTAL (AVG)</td>
<td>548.87</td>
<td>584.50</td>
<td>6%</td>
<td>541.48</td>
<td>584.50</td>
<td>7%</td>
</tr>
<tr>
<td>FTEs – PRODUCTIVE (AVG)</td>
<td>507.62</td>
<td>525.73</td>
<td>3%</td>
<td>491.00</td>
<td>525.73</td>
<td>6%</td>
</tr>
<tr>
<td>ADJUSTED PATIENT DAYS</td>
<td>1,729</td>
<td>1,902</td>
<td>11%</td>
<td>4,108</td>
<td>4,133</td>
<td>1%</td>
</tr>
<tr>
<td>ICU PATIENT DAYS (IP + OBSERVATION, MIDNIGHT CENSUS)</td>
<td>68</td>
<td>88</td>
<td>-30%</td>
<td>390</td>
<td>395</td>
<td>-1%</td>
</tr>
<tr>
<td>ACU PATIENT DAYS (IP + OBSERVATION, MIDNIGHT CENSUS)</td>
<td>318</td>
<td>327</td>
<td>-3%</td>
<td>770</td>
<td>776</td>
<td>-1%</td>
</tr>
<tr>
<td>SWING IP PATIENT DAYS (END OF DAY CENSUS)</td>
<td>14</td>
<td>15</td>
<td>-7%</td>
<td>22</td>
<td>31</td>
<td>-36%</td>
</tr>
<tr>
<td>PATIENT DAYS (ICU, ACU, SWING, INCLUDING OBSERVATION)</td>
<td>810</td>
<td>450</td>
<td>-46%</td>
<td>814</td>
<td>450</td>
<td>-46%</td>
</tr>
<tr>
<td>BIRTHS</td>
<td>13</td>
<td>8</td>
<td>62%</td>
<td>19</td>
<td>18</td>
<td>6%</td>
</tr>
<tr>
<td>SPECIAL PROCEDURE CASES</td>
<td>59</td>
<td>92</td>
<td>-36%</td>
<td>130</td>
<td>195</td>
<td>-31%</td>
</tr>
<tr>
<td>LAB BALANCE TESTS</td>
<td>13,317</td>
<td>17,275</td>
<td>-22%</td>
<td>36,305</td>
<td>36,305</td>
<td>0%</td>
</tr>
<tr>
<td>BLOOD BANK UNITS MATCHED</td>
<td>47</td>
<td>50</td>
<td>-6%</td>
<td>106</td>
<td>106</td>
<td>0%</td>
</tr>
<tr>
<td>CARDIAC SERVICES (CATH, MKR, TRANS, ECO)</td>
<td>317</td>
<td>97</td>
<td>232%</td>
<td>212</td>
<td>208</td>
<td>2%</td>
</tr>
<tr>
<td>TOTAL DIAGNOSTIC TESTING (ORDERS PLACED)</td>
<td>2,613</td>
<td>2,756</td>
<td>-5%</td>
<td>5,014</td>
<td>5,234</td>
<td>-4%</td>
</tr>
<tr>
<td>MEAS DISPENSED</td>
<td>22,813</td>
<td>21,466</td>
<td>6%</td>
<td>48,813</td>
<td>48,813</td>
<td>0%</td>
</tr>
<tr>
<td>RESPIRATORY THERAPY PROCEDURES</td>
<td>3154</td>
<td>818</td>
<td>-3%</td>
<td>7,050</td>
<td>7,234</td>
<td>-1%</td>
</tr>
<tr>
<td>PULMONARY BOWEL/FLUID</td>
<td>194</td>
<td>151</td>
<td>28%</td>
<td>554</td>
<td>451</td>
<td>23%</td>
</tr>
<tr>
<td>PHYSICAL THERAPY RJL</td>
<td>6,418</td>
<td>5,118</td>
<td>25%</td>
<td>14,766</td>
<td>10,767</td>
<td>37%</td>
</tr>
<tr>
<td>OCCUPATIONAL THERAPY RJL</td>
<td>1,241</td>
<td>982</td>
<td>25%</td>
<td>2,677</td>
<td>1,880</td>
<td>42%</td>
</tr>
<tr>
<td>SPEECH THERAPY RJL</td>
<td>386</td>
<td>280</td>
<td>36%</td>
<td>212</td>
<td>491</td>
<td>-56%</td>
</tr>
<tr>
<td>DR CENSUS</td>
<td>620</td>
<td>1,012</td>
<td>-39%</td>
<td>2,063</td>
<td>2,183</td>
<td>-5%</td>
</tr>
<tr>
<td>TOTAL BOWEN HEALTH CLINIC VISITS</td>
<td>4,603</td>
<td>5,762</td>
<td>-21%</td>
<td>12,565</td>
<td>12,695</td>
<td>-1%</td>
</tr>
<tr>
<td>Cardiology Clinic Visits</td>
<td>233</td>
<td>223</td>
<td>0%</td>
<td>531</td>
<td>436</td>
<td>22%</td>
</tr>
<tr>
<td>Dermatology Clinic Visits</td>
<td>238</td>
<td>381</td>
<td>-39%</td>
<td>607</td>
<td>828</td>
<td>-28%</td>
</tr>
<tr>
<td>General Internal Visits</td>
<td>803</td>
<td>230</td>
<td>245%</td>
<td>649</td>
<td>608</td>
<td>6%</td>
</tr>
<tr>
<td>Infusion Center Visits</td>
<td>608</td>
<td>545</td>
<td>-9%</td>
<td>1,048</td>
<td>1,148</td>
<td>-9%</td>
</tr>
<tr>
<td>Oncology Visits</td>
<td>309</td>
<td>370</td>
<td>-17%</td>
<td>676</td>
<td>787</td>
<td>-14%</td>
</tr>
<tr>
<td>ENT PATIENT VISITS</td>
<td>501</td>
<td>468</td>
<td>-5%</td>
<td>1,133</td>
<td>1,341</td>
<td>-15%</td>
</tr>
<tr>
<td>Sleep Clinic Visits</td>
<td>365</td>
<td>149</td>
<td>146%</td>
<td>342</td>
<td>208</td>
<td>65%</td>
</tr>
<tr>
<td>Surgery Center Endoscopy</td>
<td>63</td>
<td>40</td>
<td>3%</td>
<td>159</td>
<td>127</td>
<td>26%</td>
</tr>
<tr>
<td>Women's Clinic Visits</td>
<td>395</td>
<td>230</td>
<td>-40%</td>
<td>444</td>
<td>405</td>
<td>9%</td>
</tr>
<tr>
<td>Wound Clinic Visits</td>
<td>861</td>
<td>286</td>
<td>-66%</td>
<td>1,046</td>
<td>620</td>
<td>-40%</td>
</tr>
</tbody>
</table>
February 2018
Income Statement Summary

<table>
<thead>
<tr>
<th></th>
<th>February 2018 Actual</th>
<th>February 2018 Budget</th>
<th>Variance (Favorable/Unfavorable)</th>
<th>%</th>
<th>February 2018 YTD</th>
<th>February 2018 Budget YTD</th>
<th>Variance (Favorable/Unfavorable)</th>
<th>%</th>
<th>February 2017 YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Operating Revenue</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gross Patient Service Revenue</td>
<td>17,590,837</td>
<td>18,289,857</td>
<td><em>(718,220)</em></td>
<td>-4%</td>
<td>38,079,064</td>
<td>38,079,064</td>
<td><em>(0,000)</em></td>
<td>0%</td>
<td>77,061,141</td>
</tr>
<tr>
<td>Revenue Adjustments</td>
<td>9,427,304</td>
<td>9,935,874</td>
<td><em>(508,569)</em></td>
<td>-5%</td>
<td>20,050,395</td>
<td>20,936,308</td>
<td><em>(885,913)</em></td>
<td>-4%</td>
<td>16,503,770</td>
</tr>
<tr>
<td>Charity Care Adjustments</td>
<td>246,801</td>
<td>112,885</td>
<td><em>(133,916)</em></td>
<td>-119%</td>
<td>442,420</td>
<td>237,065</td>
<td><em>(205,355)</em></td>
<td>-44%</td>
<td>119,322</td>
</tr>
<tr>
<td>Net Patient Service Revenue</td>
<td>7,916,732</td>
<td>8,260,298</td>
<td><em>(343,566)</em></td>
<td>-4%</td>
<td>17,668,303</td>
<td>17,485,630</td>
<td><em>(182,673)</em></td>
<td>-1%</td>
<td>15,165,041</td>
</tr>
<tr>
<td>Other Revenue</td>
<td>326,975</td>
<td>382,446</td>
<td><em>(55,471)</em></td>
<td>-15%</td>
<td>747,346</td>
<td>885,669</td>
<td><em>(138,323)</em></td>
<td>-15%</td>
<td>800,488</td>
</tr>
<tr>
<td><strong>Total Operating Revenue</strong></td>
<td>8,243,707</td>
<td>8,642,744</td>
<td><em>(399,037)</em></td>
<td>-5%</td>
<td>17,816,099</td>
<td>18,211,499</td>
<td><em>(395,400)</em></td>
<td>-2%</td>
<td>15,973,509</td>
</tr>
<tr>
<td><strong>Operating Expenses</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries And Wages</td>
<td>4,167,962</td>
<td>4,338,147</td>
<td><em>(170,184)</em></td>
<td>-4%</td>
<td>8,884,344</td>
<td>9,141,096</td>
<td><em>(256,752)</em></td>
<td>-3%</td>
<td>7,660,263</td>
</tr>
<tr>
<td>Employee Benefits</td>
<td>1,629,491</td>
<td>1,692,837</td>
<td><em>(63,346)</em></td>
<td>-3%</td>
<td>3,345,327</td>
<td>3,446,933</td>
<td><em>(101,606)</em></td>
<td>-3%</td>
<td>2,705,251</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>3,154,478</td>
<td>3,055,446</td>
<td><em>(99,032)</em></td>
<td>-3%</td>
<td>6,612,403</td>
<td>6,438,263</td>
<td><em>(174,138)</em></td>
<td>-3%</td>
<td>5,895,998</td>
</tr>
<tr>
<td><strong>Total Operating Expenses</strong></td>
<td>8,342,931</td>
<td>8,486,430</td>
<td><em>(143,499)</em></td>
<td>2%</td>
<td>17,641,934</td>
<td>17,882,123</td>
<td><em>(240,189)</em></td>
<td>1%</td>
<td>15,570,432</td>
</tr>
<tr>
<td><strong>Operating Income (Loss)</strong></td>
<td><em>(99,223)</em></td>
<td>156,314</td>
<td><em>(255,538)</em></td>
<td>-163%</td>
<td>174,165</td>
<td>329,376</td>
<td><em>(155,211)</em></td>
<td>-47%</td>
<td>403,077</td>
</tr>
<tr>
<td><strong>Total Non Operating Revenues (Expenses)</strong></td>
<td><em>(37,247)</em></td>
<td><em>(26,989)</em></td>
<td><em>(10,258)</em></td>
<td>-38%</td>
<td><em>(53,764)</em></td>
<td><em>(56,870)</em></td>
<td><em>(3,106)</em></td>
<td>5%</td>
<td>10,116</td>
</tr>
<tr>
<td><strong>Change in Net Position (Loss)</strong></td>
<td><em>(136,471)</em></td>
<td><em>(129,325)</em></td>
<td><em>(265,796)</em></td>
<td>-206%</td>
<td><em>(129,401)</em></td>
<td><em>(272,506)</em></td>
<td><em>(413,193)</em></td>
<td>-56%</td>
<td>413,193</td>
</tr>
</tbody>
</table>

February 2018
Cash and Accounts Receivable

Days Cash and Accounts Receivable

- Days Cash and Accounts Receivable
  - Days Cash Goal: 90
  - Days Cash Goal: 45
  - Days Cash Goal: 30

- Days Outstanding in A/R
- Days Outstanding in A/R GOAL: 45

4/26/2018

52
### February 2018
#### Board Financial Report

<table>
<thead>
<tr>
<th>Dept. Description</th>
<th>Rev/Exp Account</th>
<th>Account Description</th>
<th>February Actual</th>
<th>February Budget</th>
<th>February Variance</th>
<th>2018 to Date Actual</th>
<th>2018 to Date Budget</th>
<th>2018 to Date Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOARD</td>
<td>800100</td>
<td>MANAGEMENT &amp; SUPERVISION WAGES</td>
<td>3,868.00</td>
<td>4,198.00</td>
<td>330.00</td>
<td>9,132.00</td>
<td>8,845.00</td>
<td>(287.00)</td>
</tr>
<tr>
<td></td>
<td>802300</td>
<td>CONSULT MGMT FEE</td>
<td>1,546.00</td>
<td>-</td>
<td>(1,546.00)</td>
<td>3,092.00</td>
<td>-</td>
<td>(3,092.00)</td>
</tr>
<tr>
<td></td>
<td>802500</td>
<td>AUDIT FEES</td>
<td>-</td>
<td>3,068.00</td>
<td>3,068.00</td>
<td>4,838.00</td>
<td>6,466.00</td>
<td>1,628.00</td>
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<tr>
<td></td>
<td>804000</td>
<td>CATERING</td>
<td>53.00</td>
<td>149.00</td>
<td>96.00</td>
<td>130.00</td>
<td>314.00</td>
<td>175.00</td>
</tr>
<tr>
<td></td>
<td>804500</td>
<td>OFFICE SUPPLIES</td>
<td>-</td>
<td>22.00</td>
<td>22.00</td>
<td>-</td>
<td>47.00</td>
<td>47.00</td>
</tr>
<tr>
<td></td>
<td>804800</td>
<td>MINOR EQUIPMENT</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>591.00</td>
<td>-</td>
<td>(591.00)</td>
</tr>
<tr>
<td></td>
<td>804850</td>
<td>COMPUTER EQUIPMENT</td>
<td>-</td>
<td>74.00</td>
<td>74.00</td>
<td>-</td>
<td>157.00</td>
<td>157.00</td>
</tr>
<tr>
<td></td>
<td>806000</td>
<td>OTHER PURCHASED SERVICES</td>
<td>-</td>
<td>767.00</td>
<td>767.00</td>
<td>-</td>
<td>1,616.00</td>
<td>1,616.00</td>
</tr>
<tr>
<td></td>
<td>809400</td>
<td>TRAVEL/MEETINGS/TRAINING</td>
<td>900.00</td>
<td>1,534.00</td>
<td>634.00</td>
<td>1,128.00</td>
<td>3,233.00</td>
<td>2,105.00</td>
</tr>
<tr>
<td><strong>Exp Total</strong></td>
<td></td>
<td></td>
<td>6,367.00</td>
<td>9,812.00</td>
<td>3,445.00</td>
<td>18,920.00</td>
<td>20,678.00</td>
<td>1,758.00</td>
</tr>
<tr>
<td><strong>BOARD Total</strong></td>
<td></td>
<td></td>
<td>6,367.00</td>
<td>9,812.00</td>
<td>3,445.00</td>
<td>18,920.00</td>
<td>20,678.00</td>
<td>1,758.00</td>
</tr>
</tbody>
</table>

### March 2018
#### Preview – (*as of 11:59pm 03/27/18)

- **$19,748,400 in HB charges**
  - Average: $622,650/day (HB only)
  - Budget: $642,350/day

- **$7,302,600 in HB cash collections**
  - Average: $233,460/day (HB only)
  - Goal: $289,057/day

- **53.2 Days in A/R**

- **Questions**
Patient Safety and Quality

March 28, 2018
Accreditation Report
Board of Commissioners

Quality Education and Report

- DNV Accreditation
- Accreditation Overview
- Survey Results and Next Steps
- Quality System Assessment
Happy Spring!

What we tend to think of...

What actually happens...

Overview of Accreditation & Survey Process

Definitions:

- **DNV**: Det Norske Veritas – organization with authority to ‘deem’ hospitals in compliance with CMS rules and regulations and focused on improvement and sustainability
- **Unannounced Survey**: The surveys are not scheduled with us in advance
- **ISO**: Standards that focus on process management
- **CAP**: Corrective Action Plan
- **NC**: Nonconformity – 3 levels
  - **OFI**: Opportunity for Improvement
  - **NC 1**: Conditional Level
  - **NC 1**: Requires Root Cause, CAP, and data
  - **NC 2**: Validation of improvement at next survey

Survey Process:

- **Unannounced Survey**
- **Tracer Methodology**
- **NIAHO accreditation and ISO Periodic Audit**
- **Three Surveyors over two days**
  - RN (Clinical Care)
  - Generalist (Quality)
  - Lead Surveyor (Life Safety)
- **Focus on medical staff, HR, Quality, environment of care, pain assessment, sedation, nursing documentation**
Commendations

• Quality Management System:
  • Executive Quality Council
  • Record keeping
  • Document review
  • Internal audit process
• Emergency Management Program
• Restraints: Provider ordering and nursing assessment and documentation
• ICU Nursing documentation: Records were “in really good shape”
• Cleanliness of the organization
• Strategic Plan

Survey Report

NC 1 Conditional Level • No findings

NC 1
• Nursing Services: Assessment and Plan of Care
• Physical Environment: Life Safety Management

NC 2
• Medical Staff: Clinical Privileges
• Staffing Management: Staff Evaluations
• Medication Management: Management Practices
• Physical Environment:
  • Safety Management System
  • Hazardous Materials Management
  • Medical Equipment Management
NC 1 Report

There were two total Non Conformity Level 1 Findings:

- **Documentation:**
  - Role confusion: has been clarified; policy revised; staff education in process
  - Epic assessment tool difficult to use: tool wrenched in and staff education scheduled

- **Life Safety Systems**
  - ESSB: Issue identified and sent to contractor who did not complete the repair
  - Contractors did not follow policy; payment to be held until internal inspection above ceiling
  - Exit signs: Scheduled for inspection in the month—was corrected the same day

Evidence of compliance must be submitted to the DNV within 60 days of acceptance of the report. Additionally, these will be re-evaluated at the next survey.

<table>
<thead>
<tr>
<th>Requirement (Description)</th>
<th>Observations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nursing staff will reassess the patient at regular time defined intervals and if the patient’s condition changes</td>
<td>ER: Procedural Sedation nursing documentation missing</td>
</tr>
<tr>
<td>Family Birthing Center: Provider Epidural documentation</td>
<td></td>
</tr>
<tr>
<td>The CAH shall require that Life Safety systems (e.g., fire suppression, notification, and detection equipment) shall be tested and inspected (including portable systems).</td>
<td>ESSB: Fire sprinkler tamper switch located failed</td>
</tr>
<tr>
<td></td>
<td>1st Floor: wire bundles over sprinkler lines</td>
</tr>
<tr>
<td></td>
<td>Internal Medicine: Exit sign light had a burned out battery</td>
</tr>
</tbody>
</table>

NC 2 Report

<table>
<thead>
<tr>
<th>Requirement (Description)</th>
<th>Observations:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Staff: ISO 9001:2015; 7.5.2 When creating and updating documented information, the organization shall ensure appropriate description, format, and review forms</td>
<td>Medical Staff: 2/4 forms reviewed had not been reviewed within three years Competency/Utilization data: described as ‘adequate volume’ in Medical Staff Bylaws (not descriptive enough)</td>
</tr>
<tr>
<td>Staffing: SR.1 The CAH will have a method for evaluating the performance/competency of all staff</td>
<td>Emergency Department: Files reviewed were missing evidence of competency evaluation</td>
</tr>
<tr>
<td>Medication Management: The CAH shall have a pharmacy service with written policies and procedures to ensure effective medication management practices that meets the needs of the patients</td>
<td>ACU: Medications administered by nursing were not in full accordance with the orders or policy (documented pain scores not within the provider prescribed parameter)</td>
</tr>
</tbody>
</table>
## NC 2 Physical Environment

<table>
<thead>
<tr>
<th>Requirement (description)</th>
<th>Observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety Management: SR.4 The CAH shall maintain an environment free of hazards and manages staff activities to reduce the risk of occupational related illnesses or injuries</td>
<td>Environmental Services (EVS) aide cart contained a cleaning chemical that requires the user to wear splash goggles. The EVS aide did not know she was supposed to wear splash goggles and did not have immediate access to splash goggles.</td>
</tr>
<tr>
<td>Hazardous Material Management: SR.7 All compressed gas cylinders in service and in storage shall be individually-secured and located to prevent mechanical shock from falling or being knocked over</td>
<td>Oncology Clinic: Oxygen &quot;E&quot; cylinder not secured. Gas storage room: Oxygen cylinders secured by chains – not enough to meet the requirement.</td>
</tr>
<tr>
<td>Medical Equipment Management: SR.1 The CAH shall establish processes for the acquisition, safe use, and appropriate selection of equipment</td>
<td>Policy did not define the process for addressing equipment that was out of 'tolerance' by calibration contractor.</td>
</tr>
</tbody>
</table>

### Next Steps...

- **Root Cause Identification:** Teams work to identify the root causes for each NC
- **CAP:** Based on the root causes, a corrective action plan is developed with key stakeholders
- **Process Measures:** Establish how each NC will be audited and monitored
Quality System Assessment

• Annual evaluation of the quality management system’s effectiveness
• Meeting with Commissioners and Medical Staff March 14, 2018
• The Plan:
  • Continue to work on strategic alignment between Risk Management and Patient Safety
  • Build a framework for supporting Performance Improvement organizationally
  • Focus on highest priorities
    • Adopt a consensus agenda for routine quality reports
    • Develop a calendar with required inputs
  • Provide meaningful reports for the Board of Commissioners
    • Report a handful of meaningful measures
    • Deep dive into specific quality improvement projects
    • Develop a schedule for quality and safety topics

Jefferson Healthcare

Administrative Report
March 28, 2018
Mike Glenn, CEO
Jefferson Healthcare Dental Clinic Update

• Construction Grant

STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1611 Plum Street SE • PO Box #2025 • Olympia, Washington 98504-2025 • (360) 725-4000

March 9, 2018
Sent Via Email Only To: engcom@jeffersonhealthcare.org

Mike Glenn, CEO
Jefferson Healthcare
814 Sheridan Street
Port Townsend, WA 98368

Dear Mr. Glenn,

Congratulations! Governor Inslee recently signed the 2017–2019 State Capital Budget, which includes an appropriation of $1,000,000 for the Jefferson Healthcare Dental Clinic (Port Townsend) Project under the Dental Clinic Capacity Grants Program. The Department of Commerce, which will administer the project, will retain three percent (up to a maximum of $59,000) to cover its direct administrative costs. Accordingly, your net grant award will be $941,000.

Jefferson Healthcare Dental Clinic Update

• Interviewed several architects and selected Coates Design Architects
  • Experience with public hospital districts
  • Experience with Jefferson Healthcare
  • Experience with dental clinics
  • Located on this side of the water!
Jefferson Healthcare Dental Clinic Update

- Completed space planning meeting with several stakeholders
- Held informational meeting with local dentists
- Submitted grant request to Arcora for funding to offset cost of dental equipment

Legislative Summary

- **Important New Laws**
  - **HB 2101- Sexual assault nurse examiners.** Directs a study to increase availability of and access to sexual assault nurse examiners statewide.
  - **HB 2408- Individual market stability.** Seeks to ensure commercial individual market plans are sold statewide.
  - **SB 6124- Video testimony for ITA hearings.** Allows video testimony to be used in involuntary treatment act hearings.
  - **SB 6273- Charity Care.** Clarifies charity care law and increases standardization regarding notice to patients and staff training on charity care policies and interpreter services.
  - **SB 6399- Pilot for telemedicine payment parity.** Directs the telemedicine collaborative to make recommendations by Dec. 1 on a pilot to test payment parity for the following services: Diabetes mellitus, stroke, mental health conditions, opioid dependence and chronic pain.
Legislative Summary

• Workforce development budget proviso
  • Funding to Peninsula College to increase allied health care staff
    • 8 additional RN’s
    • 20-30 additional CNA’s
    • 20-30 additional MA’s

WSU College of Medicine

• WSU Med school has enrolled its first class of medical students
• Primary Care/ rural community focus
• Establishing partnerships and residency programs in rural communities throughout the state
• Jefferson Healthcare expressed interest in learning more about partnership opportunities.
Questions